

ALEXANDRIA T. DRAKE, WSBA No. 45188  
DUNN & BLACK, P.S.  
111 North Post., Ste. 300  
Spokane, WA 99201-0907  
(509) 455-8711

ERIC KNIFFIN  
Kniffin Law PLLC  
102 S. Tejon St., Suite 1100  
Colorado Springs, CO 80903  
(719) 212-4391

ERIC JOB SEESE  
Frost Brown Todd LLP  
1801 California Street, Suite 2700  
Denver, CO 80202  
(303) 406-4990

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

NICHOLAS ROLOVICH,

Plaintiff,

v.

WASHINGTON STATE  
UNIVERSITY, et al.,

Defendants.

NO. 2:22-cv-00319

**DECLARATION OF  
ERIC JOB SEESE**

*[Filed Concurrently with  
Plaintiff's Response to Defendant's  
Motion for Summary Judgment]*

DECLARATION OF  
ERIC JOB SEESE  
NO. 2:22-cv-00319-TOR

1 I, Eric Job Seese, declare as follows:

2 1. I am an attorney with Frost Brown Todd LLP, representing Plaintiff. I have  
3 personal knowledge of the facts set forth herein.

4 2. Attached as **Exhibit A** is a true and correct copy of WSU's Answer to  
5 Rolovich's Third Set of Interrogatories.

6 3. Attached as **Exhibit B** is a true and correct copy of the NCAA's March 18,  
7 2020 article, *Division I makes initial rule decisions in wake of COVID-19*, found  
8 at [https://www.ncaa.org/news/2020/3/18/division-i-makes-initial-rule-decisions-](https://www.ncaa.org/news/2020/3/18/division-i-makes-initial-rule-decisions-in-wake-of-covid-19.aspx)  
9 [in-wake-of-covid-19.aspx](https://www.ncaa.org/news/2020/3/18/division-i-makes-initial-rule-decisions-in-wake-of-covid-19.aspx).

10 4. Attached as **Exhibit C** is a true and correct copy of the NCAA's November  
11 18, 2020 article, *Recruiting dead period in all sports extended by DI Council*,  
12 found at [https://www.ncaa.org/news/2020/11/18/recruiting-dead-period-in-all-](https://www.ncaa.org/news/2020/11/18/recruiting-dead-period-in-all-sports-extended-by-di-council.aspx)  
13 [sports-extended-by-di-council.aspx](https://www.ncaa.org/news/2020/11/18/recruiting-dead-period-in-all-sports-extended-by-di-council.aspx).

14 5. Attached as **Exhibit D** is a true and correct copy of the NCAA's February  
15 17, 2021 article, *DI Council extends recruiting dead period through May 31*,  
16 found at [https://www.ncaa.org/news/2021/2/17/di-council-extends-recruiting-](https://www.ncaa.org/news/2021/2/17/di-council-extends-recruiting-dead-period-through-may-31.aspx)  
17 [dead-period-through-may-31.aspx](https://www.ncaa.org/news/2021/2/17/di-council-extends-recruiting-dead-period-through-may-31.aspx).

18 6. Attached as **Exhibit E** is a true and correct copy of the NCAA's 2020-2021  
19 Recruiting Calendar for Division I Football Bowl Subdivision, found at  
20 [https://ncaaorg.s3.amazonaws.com/compliance/recruiting/calendar/2020-](https://ncaaorg.s3.amazonaws.com/compliance/recruiting/calendar/2020-21D1REC_FBSMFBRecruitingCalendar.pdf)  
21 [21D1REC\\_FBSMFBRecruitingCalendar.pdf](https://ncaaorg.s3.amazonaws.com/compliance/recruiting/calendar/2020-21D1REC_FBSMFBRecruitingCalendar.pdf).

22 7. Attached as **Exhibit F** is a true and correct copy of the NCAA's April 15,  
23 2021 article, *Division I to return to recruiting activities June 1*, found at  
24

1 [https://www.ncaa.org/news/2021/4/15/division-i-to-return-to-recruiting-activities-](https://www.ncaa.org/news/2021/4/15/division-i-to-return-to-recruiting-activities-june-1.aspx)  
2 [june-1.aspx](https://www.ncaa.org/news/2021/4/15/division-i-to-return-to-recruiting-activities-june-1.aspx).

3 8. Attached as **Exhibit G** is a true and correct copy of the NCAA's 2021-  
4 2022 Recruiting Calendar for Division I Football Subdivision, found at  
5 [https://ncaaorg.s3.amazonaws.com/compliance/recruiting/calendar/2021-22/2021-](https://ncaaorg.s3.amazonaws.com/compliance/recruiting/calendar/2021-22/2021-22D1Rec_FBSMFBRecruitingCalendar.pdf)  
6 [22D1Rec\\_FBSMFBRecruitingCalendar.pdf](https://ncaaorg.s3.amazonaws.com/compliance/recruiting/calendar/2021-22/2021-22D1Rec_FBSMFBRecruitingCalendar.pdf).

7 9. Attached as **Exhibit H** is a true and correct copy of an email thread  
8 between Marty Dickinson and Kirk Schulz, with Desiree Jacobsen copied,  
9 produced by Marty Dickinson in response to a subpoena, at  
10 Dickinson\_SDT\_00000035.

11 10. Attached as **Exhibit I** is a true and correct copy of an email thread between  
12 Marty Dickinson and Kirk Schulz, produced by Marty Dickinson in response to a  
13 subpoena, at Dickinson\_SDT\_00000027.

14 11. Attached as **Exhibit J** is a true and correct copy of a text message thread  
15 between Enrique Cerna and Kirk Schulz, produced by Kirk Schulz in response to  
16 a subpoena, at Schulz\_SDT\_00000054.

17 12. Attached as **Exhibit K** is a true and correct copy of a text message thread  
18 between Kirk Schulz and Patrick Chun, produced by Kirk Schulz in response to a  
19 subpoena, at Schulz\_SDT\_00000034.

20 13. Attached as **Exhibit L** is a true and correct copy of a text message thread  
21 between Kirk Schulz and Marty Dickinson, produced by Kirk Schulz in response  
22 to a subpoena, at Schulz\_SDT\_00000123.  
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1 14.Attached as **Exhibit M** is a true and correct copy of a text message thread  
2 between Kirk Schulz and Marty Dickinson, produced by Kirk Schulz in response  
3 to a subpoena, at Schulz\_SDT\_00000011.

4 15.Attached as **Exhibit N** is a true and correct copy of a text message thread  
5 between Kirk Schulz and Marty Dickinson, which was marked as Exhibit 1 in  
6 Marty Dickinson's deposition.

7 16.Attached as **Exhibit O** is true and correct copy of an email from Ginger K.  
8 Druffel to the WSU's Regents on August 20, 2021, which was marked as Exhibit  
9 2 in Marty Dickinson's deposition.

10 17.Attached as **Exhibit P** is a true and correct copy of a text message thread  
11 between Patrick Chun and Ashton Youboty, which was produced by Patrick Chun  
12 in response to a subpoena at Chun\_SDT\_00000042.

13 18.Attached as **Exhibit Q** is a true and correct copy of an email from Lisa  
14 Gehring to Bonnie Dennler, with the attached final document of Religious  
15 Accommodation Procedures, which was marked as Exhibit 79 in Lisa Gehring's  
16 deposition.

17 19.Attached as **Exhibit R** is a true and correct copy of WSU's Talking points  
18 regarding WSU's vaccination exemption process dated October 15, 2021,  
19 produced by WSU at WSU\_00029716.

20 20.Attached as **Exhibit S** is a true and correct copy of an email from Michael  
21 Connell that contained a press release concerning Rolovich and talking points  
22 about WSU employee compliance with the vaccine mandate, produced by WSU  
23 at WSU\_00027047 – WSU\_00027049.  
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1 21.Attached as **Exhibit T** is a true and correct copy of an email from Theresa  
2 Elliot-Cheslek to Jay Stephens of Kansas State University, produced by WSU at  
3 WSU\_00024543 – WSU\_00024545.

4 22.Attached as **Exhibit U** is a true and correct copy of WSU's prepared  
5 outline for WSU's F.R.C.P. 30(b)(6) deposition, produced at WSU's F.R.C.P.  
6 30(b)(6) deposition.

7 23.Attached as **Exhibit V** is a true and correct copy of an email from Lisa  
8 Gehring to Theresa Elliot-Cheslek, dated October 8, 2021, which was marked as  
9 Exhibit 78 in Lisa Gehring's deposition.

10 24.Attached as **Exhibit W** is a true and correct copy of a WSU article, by  
11 WSU, titled *Nearly 90% of WSU employees are vaccinated*, dated October 8,  
12 2021, which was marked as Exhibit 87 in Lisa Gehring's deposition.

13 25.Attached as **Exhibit X** is a true and correct copy Appendix B, a  
14 compilation of the history of exemption requests that WSU received from  
15 employees, produced by WSU in response to Rolovich's Interrogatory No. 11.

16 26.Attached as **Exhibit Y** is a true and correct copy of excerpts from the  
17 transcript of the deposition of Bonnie Dennler taken on August 21, 2024.

18 27.Attached as **Exhibit Z** is a true and correct copy of the Seattle Times  
19 article, *With deadline approaching, WSU President Kirk Schulz indicates football*  
20 *coach Nick Rolovich is not vaccinated*, dated September 24, 2021.

21 28.Attached as **Exhibit AA** is a true and correct copy of Governor Inslee's  
22 FAQs for vaccine mandate for some state employees and certain private  
23 employers, marked as Exhibit 74 in Lisa Gehring's deposition.  
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1 29.Attached as **Exhibit BB** is a true and correct copy of a text message thread  
2 between Kirk Schulz and Marty Dickinson, produced by Kirk Schulz in response  
3 to a subpoena, at Schulz\_SDT\_00000126.

4 30.Attached as **Exhibit CC** is a true and correct copy of an email from HRS  
5 Exemptions to Patrick Chun and Anne McCoy, dated October 6, 2021, marked as  
6 Exhibit 86 in Lisa Gehring's deposition.

7 31.Attached as **Exhibit DD** is a true and correct copy of excerpts from the  
8 transcript of the deposition of Lisa Gehring taken on August 20, 2024.

9 32.Attached as **Exhibit EE** is a true and correct copy of Stanley Franks, Jr.'s  
10 employment agreement, marked as Exhibit 61 in Kirk Schulz's deposition.

11 33.Attached as **Exhibit FF** is a true and correct copy of excerpts from the  
12 transcript of the deposition of David Bones taken on October 22, 2024.

13 34.The total expenses of WSU's football program in 2021 and 2022 was  
14 \$48,158,117. See ECF 96, p. 66. Taking the cost of travel accommodation  
15 calculated by WSU's expert, David Bones, and dividing it by the total expenses  
16 across the two seasons, the cost of accommodating Rolovich for the two seasons  
17 amounts to 0.4 percent of WSU's total expenses.

18 35.Attached as **Exhibit GG** is a true and correct copy of excerpts from the  
19 transcript of the deposition of David Bones taken on October 22, 2024.

20 36.Attached as **Exhibit HH** is a true and correct copy of the WSU System  
21 Strategic Plan Annual Report 2021-2022.

22 37.Attached as **Exhibit II** is a true and correct copy of the WSU System  
23 Strategic Plan Annual Report 2022-2023.  
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1 38.Attached as **Exhibit JJ** is a true and correct copy of excerpts from the  
2 transcript of the deposition of Nick Rolovich taken on October 4, 2024.

3  
4 I declare under penalty of perjury under the laws of the United States of  
5 America that the foregoing is true and correct to the best of my knowledge.

6 Executed on November 4, 2024, in Denver, Colorado.

7 /s/ E. Job Seese

8 E. Job Seese

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of November, 2024, I electronically filed the forgoing DECLARATION OF ERIC JOB SEESE with the Clerk of Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that none of the represented parties are non-CM/ECF participants.

Executed this 4th day of November, 2024, at Denver, Colorado.

By: /s/ E. Job Seese  
E. Job Seese  
Frost Brown Todd LLP  
1801 California Street, Suite 2700  
Denver, CO 80202  
Tele: 303.623.9000  
jseese@fbtlaw.com

0157347.0787550 4868-4997-2469

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